

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

**DENEENA THOMAS, Individually and On Behalf
Of All Others Similarly Situated**

PLAINTIFF

vs.

No. 4:14-cv-562-KGB

**UNITED METHODIST CHILDREN'S HOME, INC., and
METHODIST FAMILY HEALTH, INC.**

DEFENDANTS

JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT

COME NOW Plaintiff Deneena Thomas ("Plaintiff"), individually and on behalf of all others similarly situated, by and through her attorneys of the Sanford Law Firm, PLLC, and Defendants United Methodist Children's Home, Inc., and Methodist Family Health, Inc., by and through their attorneys of Gill Ragon Owen, PA, for their Joint Motion for Approval of Settlement Agreement, and state as follows:

1. Plaintiff brought this collective action against Defendants alleging violations of the Fair Labor Standards Act ("FLSA"), 29 U.S.C § 201, *et seq.*, and the Arkansas Minimum Wage Act ("AMWA"), A.C.A. § 11-4-201, *et seq.*

2. The Parties have reached an agreement to settle all claims, subject to this Court's approval of the Settlement Agreement attached hereto as Exhibit 1.

3. This Court has previously held that settlement agreements resolving FLSA claims typically are subject to Court approval to ensure that the parties are not negotiating around the FLSA's requirements and that the settlement represents a fair and reasonable resolution of a bona fide dispute. *Cruthis v. Vision's*, No. 4:12-cv-00244-

KGB, 2014 U.S. Dist. LEXIS 117901, at *2 (E.D. Ark. 8/19/2014).

4. The Parties' Settlement Agreement is the product of a mediated settlement conference at which all Parties were represented by counsel; the Parties believe their Agreement is a fair, reasonable, and adequate compromise of a bona fide dispute.

5. This Court has conditionally certified a collective action class of employees of Defendants having the title, "Alternate Teaching Parent." Order, ECF No. 15 (6/25/2015).

6. Sixteen Alternate Teaching Parents, and five (5) persons having the title "Specialized Teaching Parent," filed written consents to join this lawsuit and agreed to be represented by Plaintiff and her counsel and to be bound by the settlement or adjudication of this litigation. In addition to the sixteen Alternate Teaching Parents, the Parties' Agreement settles the claims of the five persons having the title Specialized Teaching Parent; the Parties disagree as to whether those five persons are included in the class certified by the Court, and hereby ask the Court to modify the class definition for settlement purposes only and as necessary to encompass Specialized Teaching Parents in the settlement.

7. The Parties also ask the Court to review and approve the Settlement Agreement attached hereto as Exhibit 1.

8. Pursuant to their Settlement Agreement, the Parties further ask the Court to dismiss this lawsuit with prejudice, and to retain jurisdiction in this matter for the sole purpose of enforcing the Settlement Agreement.

WHEREFORE, the Parties respectfully ask that the Court enter an order modifying the class definition for purposes of settlement only to include Specialized

Teaching Parents, approving the Parties' Settlement Agreement, and dismissing this lawsuit with prejudice; and for all other just and equitable relief to which they may be entitled.

Respectfully submitted,

**PLAINTIFF DENEENA THOMAS,
Individually and on Behalf of Others
Similarly Situated**

SANFORD LAW FIRM, PLLC
ONE FINANCIAL CENTER
650 S. SHACKLEFORD STE 411
LITTLE ROCK, ARKANSAS 72211
PHONE: (501) 221-0088
FACSIMILE: (888) 787-2040

BY: /s/ Josh Sanford
Josh Sanford
Ark. Bar No. 2001037
josh@sanfordlawfirm.com

and **DEFENDANTS UNITED METHODIST
CHILDREN'S HOME, INC., and
METHODIST FAMILY HEALTH, INC.**

GILL RAGON OWEN, PA
425 WEST CAPITOL AVENUE, SUITE 3800
LITTLE ROCK, AR 72201
PHONE: (501) 376-3800

BY: /s/ Dylan H. Potts (with permission)
Dylan H. Potts
Ark. Bar No. 2001258

CERTIFICATE OF SERVICE

I, Josh Sanford, do hereby certify that on the 11th day of May, 2016, a true and correct copy of the foregoing MOTION was filed via the CM/ECF system and that the attorneys named below have consented to the electronic distribution of pleadings by the CM/ECF system:

Dylan H. Potts, Esq.
Danielle M. Whitehouse, Esq.
GILL RAGON OWEN, P.A.
425 W. Capitol Avenue, Suite 3800
Little Rock, Arkansas 72201
(501) 376-3800

/s/ Josh Sanford

Josh Sanford